

REMARKS/ARGUMENTS

In the Office Action allowed claims 22-31. The previous grounds for rejecting the claims under Section 112, second paragraph, and Section 102(b) based upon the Chapman et al. patent have been withdrawn. Applicant respectfully requests favorable reconsideration in view of the follow remarks.

Claim Rejections – 35 USC § 102 and 103. The Office Action rejected claims 1-6, 8-20 and 32 under Section 102(e) as being anticipated by Chuang (U.S. Patent No. 6,690,219). The Office Action rejected claim 21 under Section 103(a) as being unpatentable over Chuang. Applicant respectfully submits that the Chuang patent is not prior art under Section 102(e) or 103(a).

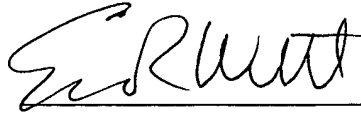
Section 102(e) applies to an invention described in an application for patent *by another* filed in the United States before the invention by the applicant for patent. In this case, the inventor herein is the inventor of the Chuang patent. Therefore, The Chuang patent was not filed *by another* under Section 102(e). Because the Chuang patent was issued after the filing date of the present application it is not prior art under Section 102(a) or 102(b), and therefore, Chuang is not prior art under Section 103(a). Applicant respectfully requests withdrawal of the rejections under Sections 102(e) and 103(a).

“Final” status of Office Action. Claims 16-21 were allowed in the Office Action dated October 21, 2004 and have not been amended. However, these claims were rejected for the first time in this Office Action. Because the rejection of claims 16-21 was not necessitated by any Amendment, the rejection is not a proper “final” rejection. Applicant respectfully requests withdrawal of the “final” status of the Office Action.

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Appl. No. 10/672,406
Amdt. dated May 3, 2005
Reply to Office Action of April 4, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. R. Witt", written over a horizontal line.

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Date: May 3, 2005

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